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CHARLES ELMORE CROPLEY
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Supreme Court of the United States

October Term, 1938

No. 651

FRANK HAGUE, individually and as Mayor of Jersey City, *et al.*,

Petitioners,

vs.

COMMITTEE FOR INDUSTRIAL ORGANIZATION, AMERICAN CIVIL LIBERTIES UNION, *et al.*,

Respondents.

RESPONDENTS' STATEMENT JOINING IN PETITIONERS' PRAYER FOR A WRIT OF CERTIORARI

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Of Counsel.

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To the Honorable the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

Committee for Industrial Organization, American Civil Liberties Union, *et al.*, respondents upon this petition for certiorari, by their solicitors, hereby join in petitioners' prayer that a writ of certiorari issue to review the decree of the United States Circuit Court of Appeals for the Third Circuit, entered in the above-entitled case on January 26, 1939.

Nature of the Case

The nature of the case and of the issues involved is fully and accurately described in the majority opinion of the Circuit Court of Appeals, to which the Court is respectfully referred. Respondents, in joining in the prayer for the writ, do not wish to be taken as endorsing the statements of fact or law contained in the body of the petition or in the supporting brief, some of which are inaccurate and misleading.

Reasons For Joining in Prayer for Writ

Respondents believe that the decree sought to be reviewed is correct in every particular; that Judge Biggs' opinion for the majority of the Circuit Court of Appeals is unanswerable in law, logic and policy; and that the conclusions reached below are not at variance with, but are supported and compelled by controlling authority in this Court.

Despite the foregoing, respondents submit that the public interest requires further and final review of the case by this Court. The issues involved are of paramount national concern. They go to the roots of the democratic process and the American way of life, which are today challenged in various parts of the country by tactics of official suppression. In the case at bar, these tactics were not denied and are still defended by petitioners under a claim of constitutional right. There is pressing need that this claim should be rejected with the utmost clarity and finality.

It is further submitted, with deference, that the current movement of world events places this Court under increased obligation to repulse attacks upon the civil liberties which lie at the base of the form of government under which we live, and that the present controversy affords clear occasion and opportunity for the discharge of that obligation.

Scope of Review Sought

Respondents are desirous that, upon issuance of the writ, this Court should examine and review all of the issues in the case passed on by the Circuit Court of Appeals without limitation to the number or form of the issues specified by the petitioners. Such plenary review is necessary to an adequate consideration of the case, all of the issues being integral to the plan or conspiracy, heretofore found, to deprive respondents of their constitutional rights.

WHEREFORE respondents join in petitioners' prayer that a writ of certiorari issue as above set forth.

Dated, February 6, 1939.

MORRIS L. ERNST,
SPAULDING FRAZER,
Solicitors for Respondents.

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